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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/782,067	02/12/2001	Neal Jacob Manowitz	50P3840.01	9797

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EXAMINER	
JERABEK, KELLY L	
ART UNIT	**PAPER NUMBER**
2612	

DATE MAILED: 05/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/782,067	MANOWITZ ET AL.	
	Examiner	Art Unit	
	Kelly L. Jerabek	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 January 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-11* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Response to Remarks:

Applicant contends (Amendment, page 7) regarding claims 1-4 that since the Steinberg reference teaches the use of multiple sources to exchange data, the reference fails to teach a digital camera configured to send and receive data exclusively through a remote storage device. The Examiner respectfully disagrees. Steinberg discloses in figure 1 a system (10) including a message center (12) and a digital camera (14) capable of communicating in various ways (page, 2, paragraph 33). **Although various modes of communication exist this does not suggest that the camera does not send and receive data exclusively through a remote storage device.** When the camera (14) is turned on it automatically transmits a signal to a transceiver (18) for conveying the camera identification (ID) to a remote storage device (message center 12) and in response the remote storage device (12) transmits messages that are identified for the particular camera/user back to the camera (14) (page, 2, paragraph 37). **Therefore, since a camera ID is verified and message information is sent to the camera (14) corresponding to the camera ID it can be seen that message data (corresponding to the camera ID) is sent from the remote storage device (12) to the camera (14) via an exclusive connection.** In a different scenario, an intelligent

advertisement center may build a user profile for the camera based on image information from the camera such as the type of images in the camera (page 3, paragraph 39). Therefore, since the user profile is built based on image information it can be seen that the digital camera (14) must send image data (quantity of images, type of images) to the remote storage device (12). Also, figure 1 shows that only a message center (12) connected to the network can receive the image information. Therefore, the data is sent exclusively to the remote storage device.

Applicant contends (Amendment, pages 7-8) regarding claims 5-8 and 9-11that the Steinberg reference fails to teach uploading and downloading data exclusively through a predetermined remote location. The Examiner respectfully disagrees. Steinberg discloses in figure 1 a system (10) including a message center (12) and a digital camera (14) capable of communicating in various ways (page, 2, paragraph 33). When the camera (14) is turned on it automatically transmits a signal to a transceiver (18) for conveying the camera identification to the message center (12) (page, 2, paragraph 37). In a different scenario, an intelligent advertisement center may build a user profile for the camera based on image information from the camera such as the type of images in the camera (page 3, paragraph 39). Therefore, since the user profile is built based on image information (quantity of images, type of images) it can be seen that image data from the digital camera (14) is uploaded to a predetermined remote location (message center (12)). Steinberg also states that the camera (14) receives advertisement messages from the message center (12) and stores them in

RAM (150) (page 3, paragraph 41). Therefore, advertising data is downloaded from the predetermined remote location (message center (12)) to the digital camera (14). The camera (14) also includes a display (48) for displaying advertisement messages received from the message center (12) (page 4, paragraph 53; figure 2). For the arguments regarding an exclusive connection, see the comments above.

Applicant contends (Amendment, pages 7-8) regarding claims 5-8 and 9-11 that the Steinberg reference fails to teach uploading image data to any remote location. The Examiner respectfully disagrees. Steinberg discloses that an intelligent advertisement center may build a user profile for the camera based on image information from the camera such as the type of images in the camera (page 3, paragraph 39). Therefore, since the user profile is built based on image information (quantity of images, type of images) it can be seen that image data from the digital camera (14) is uploaded to a predetermined remote location (message center (12)).

Applicant objects to the Examiner's Official Notice rejection of claims 6 and 7. The Examiner has therefore cited a reference to support the Official Notice rejection. Goldhaber et al. US 5,794,210 discloses a network for allowing consumer computers, information servers, and financial clearinghouse computers to communicate. Figure 3 shows an example of "negatively priced information" in which an advertiser or an attention broker will compensate (using cash or coupons) a consumer for viewing advertisements (col. 10, line 39-col. 11, line 7). Therefore, it would have been obvious

for one skilled in the art to have been motivated to include a system for compensating a consumer for viewing advertisements as disclosed by Goldhaber in the camera capable of downloading advertisements from a remote location as disclosed by Steinberg. Doing so would provide a means for paying a consumer for viewing advertisements (Goldhaber: col. 10, lines 39-57).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim1-5 and 8-11 rejected under 35 U.S.C. 102(e) as being anticipated by Steinberg US 2002/0041329.

Re claim 1, Steinberg discloses in figure 1 a system (10) including a message center (12) and a digital camera (14) capable of communicating in various ways (page, 2, paragraph 33). When the camera (14) is turned on it automatically transmits a signal to a transceiver (18) for conveying the camera identification (ID) to a

remote storage device (message center 12) and in response the remote storage device (12) transmits messages that are identified for the particular camera/user back to the camera (14) (page, 2, paragraph 37). Therefore, since a camera ID is verified and message information is sent to the camera (14) corresponding to the camera ID it can be seen that message data (corresponding to the camera ID) is sent from the remote storage device (12) to the camera (14) via an exclusive connection. In a different scenario, an intelligent advertisement center may build a user profile for the camera based on image information from the camera such as the type of images in the camera (page 3, paragraph 39). Therefore, since the user profile is built based on image information it can be seen that the digital camera (14) must send image data (quantity of images, type of images) to the remote storage device (12). Also, figure 1 shows that only a message center (12) connected to the network can receive the image information. Therefore, the data is sent exclusively to the remote storage device.

Re claim 2, Steinberg states that the digital camera (14) includes a camera digital image acquisition apparatus (88) for forming image data (page 4, paragraph 52).

Re claim 3, Steinberg states that the camera (14) receives advertisement messages from the message center (12) and stores them in RAM (150) (page 3, paragraph 41). The camera (14) includes a ROM (149) and ROM (150) to store image data and advertisement messages within the camera (page 4, paragraph 53).

Re claim 4, the camera (14) includes a display (48) for viewing image data and advertisement messages received from the message center (12) (page 4, paragraph 53; figure 2).

Re claim 5, Steinberg discloses in figure 1 a system (10) including a message center (12) and a digital camera (14) capable of communicating in various ways (page, 2, paragraph 33). When the camera (14) is turned on it automatically transmits a signal to a transceiver (18) for conveying the camera identification (ID) to a remote storage device (message center 12) and in response the remote storage device (12) transmits messages that are identified for the particular camera/user back to the camera (14) (page, 2, paragraph 37). Therefore, since a camera ID is verified and message information is sent to the camera (14) corresponding to the camera ID it can be seen that message data (corresponding to the camera ID) is sent from the remote storage device (12) to the camera (14) via an exclusive connection. In a different scenario, an intelligent advertisement center may build a user profile for the camera based on image information from the camera such as the type of images in the camera (page 3, paragraph 39). Therefore, since the user profile is built based on image information (quantity of images, type of images) it can be seen that image data from the digital camera (14) is uploaded to a predetermined remote location (message center (12)). Steinberg also states that the camera (14) receives advertisement messages from the message center (12) and stores them in RAM (150) (page 3, paragraph 41). Therefore, advertising data is downloaded from the predetermined remote location (message

center (12)) to the digital camera (14). The camera (14) also includes a display (48) for displaying advertisement messages received from the message center (12) (page 4, paragraph 53; figure 2).

Re claim 8, figure 1 shows that only a message center (12) connected to the network can receive the image information. Therefore, uploading the image data occurs only at the predetermined remote location (message center (12)).

Re claim 9, Steinberg discloses in figure 1 a system (10) including a message center (12) and a digital camera (14) capable of communicating in various ways (page, 2, paragraph 33). When the camera (14) is turned on it automatically transmits a signal to a transceiver (18) for conveying the camera identification (ID) to a remote storage device (message center 12) and in response the remote storage device (12) transmits messages that are identified for the particular camera/user back to the camera (14) (page, 2, paragraph 37). Therefore, since a camera ID is verified and message information is sent to the camera (14) corresponding to the camera ID it can be seen that message data (corresponding to the camera ID) is sent from the remote storage device (12) to the camera (14) via an exclusive connection. In a different scenario, an intelligent advertisement center may build a user profile for the camera based on image information from the camera such as the type of images in the camera (page 3, paragraph 39). Therefore, since the user profile is built based on image information (quantity of images, type of images) it can be seen that image data from the digital

camera (14) is uploaded to a predetermined remote location (message center (12)). Steinberg also states that the camera (14) receives advertisement messages from the message center (12) and stores them in RAM (150) (page 3, paragraph 41). Therefore, advertising data is downloaded from the predetermined remote location (message center (12)) to the digital camera (14). The camera (14) also includes a display (48) for displaying advertisement messages received from the message center (12) (page 4, paragraph 53; figure 2).

Re claim 10, Steinberg states that the digital camera (14) includes a camera digital image acquisition apparatus (88) for forming image data (page 4, paragraph 52).

Re claim 11, when the camera (14) is turned on it **automatically** transmits a signal to a transceiver (18) for conveying the camera identification to the message center (12) (page, 2, paragraph 37). Alternatively, an intelligent advertisement center may build a user profile based on image information from the camera (page 3, paragraph 39). Therefore, since the user profile is built based on image information it can be seen that image data from the digital camera (14) is uploaded to a predetermined remote location (message center (12)). Steinberg also states that the camera (14) receives advertisement messages from the message center (12) and stores them in RAM (150) (page 3, paragraph 41). Therefore, advertising data is downloaded from the predetermined remote location (message center (12)) to the digital camera (14).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 6-7 rejected under 35 U.S.C. 103(a) as being unpatentable over Steinberg in view of Goldhaber et al. US 5,794,210.

Re claims 6 and 7, Steinberg discloses all of the limitations of claim 5 above. However, Steinberg fails to distinctly state that an advertiser compensates a distributor or a distributor sells a camera at discount prices based on the advertising data downloaded by the camera.

Goldhaber discloses a network for allowing consumer computers, information servers, and financial clearinghouse computers to communicate. Figure 3 shows an example of "negatively priced information" in which an advertiser or an attention broker will compensate (using either cash or coupons (a.k.a. discounts)) a consumer for viewing advertisements (col. 10, line 39-col. 11, line 7). Therefore, it would have been obvious for one skilled in the art to have been motivated to include a system for compensating a consumer for viewing advertisements as disclosed by Goldhaber in the

camera capable of downloading advertisements from a remote location as disclosed by Steinberg. Doing so would provide a means for paying a consumer for viewing advertisements (Goldhaber: col. 10, lines 39-57).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contacts

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelly L. Jerabek whose telephone number is **(571)**

272-7312. The examiner can normally be reached on Monday - Friday (8:00 AM - 5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on **(571) 272-7308**. The fax phone number for submitting all Official communications is 703-872-9306. The fax phone number for submitting informal communications such as drafts, proposed amendments, etc., may be faxed directly to the Examiner at **(571) 273-7312**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KLJ

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